

**Notice of Public Meeting  
Town of Superior  
Regular Council Meeting  
Thursday, October 20, 2011-7:00 P.M.  
Superior Senior Center  
360 Main Street, Superior, AZ 85173  
MINUTES**

**A. CALL TO ORDER**

Mayor Hing called the meeting to order at 7:05 p.m.

**B. SALUTE TO THE FLAG**

Mayor Hing led the salute to the flag.

**C. OPENING PRAYER**

Mayor Hing led the opening prayer.

**D. ROLL CALL**

**Present:**Council Members Hank Gutierrez, Chris Tomerlin, John Tameron, Gilbert Aguilar, Soyla “Kiki” Peralta, Mayor Michael Hing, Vice Mayor Olga Lopez; **Absent:**N/A

**E. CONSENT AGENDA**

1. Approval of Minutes ofSpecial MeetingSeptember 28, 2011
2. Approval of Minutes ofRegular Meeting October 6, 2011
3. Resolution #532 supporting Legislative District #5, proposed alignment and map

Vice Mayor Lopez asked about the special meeting of September 28 regarding her reference to the attorney making a number of detailed comments. On the corrected minutes there was just one of those statements. The minute taker clarified that she had typed in error that he made a number of detailed comments but he only made one.

Deputy Town Manager Digirolamo read Resolution No. 532 supporting Legislative District No. 5 by title. Mayor Hing announced the meeting in Globe about this he next day. He planned to go and deliver the resolution.

Vice Mayor Lopez referenced the minutes of October 6, Page 3, Item F(h). She asked that a statement she had made questioning the attorney regarding the \$156,000 they had to pay back be added. Her question was that if that property in the mine had been town property then the money would rightfully be the town’s and it wasn’t. She said she believed the attorney said yes or hebelieved so.

Council Member Tomerlin said that Mr. Tomerlin should be changed to Mr. Tameron on Page 5 (*regarding conflict of interest*). Also on Page 5 in Business Item 3, he had made the motion and Mr. Tameron seconded.

Mayor Hing asked that those corrections be made in the record. The minutes did not need to be brought back.

**MOTION:** Council Member Tomerlin moved to approve the consent agenda with stated corrections Vice Mayor Lopez seconded. **VOTE:** The motion carried unanimously.

## **F. COMMUNICATION**

### **1. Manager's report—Deputy Town Manager Lou Digirolamo**

#### **a) Update on Orion Recycling Contract**

Deputy Town Manager Digirolamo said he was authorized by the council at the last meeting to update the Orion contract. He met with the owner. He would like to see a performance bond. The owner is making inquiries into a performance bond and that is why it was not brought back to the council. They are still negotiating. There was a general discussion between council and staff as to the cleanliness of the property.

#### **b) Candidate forum scheduled for October 24, 2011, 6:30 p.m., Senior Center**

Mr. Digirolamo reminded the council of the candidate forum on the 24<sup>th</sup> at the Senior Center. It has been posted as a possible quorum in case council members attend.

#### **c) Update on Dia de Colores**

Mr. Digirolamo reported on Dia de Colores on the previous Saturday. He discussed the event and said it was great and he only heard positive comments.

#### **d) Update on narcotic search warrant executed at 37 Kellner**

Deputy Town Manager/Police Chief Digirolamo reported on the search warrant executed on the previous Monday at 37 Kellner. They arrested the owner, Roy Wheeler, who was charged with several narcotics offenses. He was transported to the Pinal County Jail and booked on multiple charges. They got a small amount of methamphetamine and marijuana and seized more than \$2700 in cash. He wanted to be sure the rumor doesn't get out there that they didn't do it right. If they see the subject out on the street, he is out on bond. That is set by the court. The charges were filed. Mayor Hing commended the police department on the warrant and shutting down that operation. The courts and prosecutors need to be addressed that to allow these people back on their streets has a negative effect.

### **2. Finance Report—Finance Clerk Nicole Welty**

#### **a) August and September 2011 Disbursements**

#### **b) Receivables and Account Payables**

#### **c) Third Quarter Financial Update**

Ms. Welty reported to the council on finances and answered questions from the mayor, vice mayor and members of the council.

## **G. BUSINESS, POSSIBLE DISCUSSION AND/OR ACTION ON THE FOLLOWING:**

### **1. Discuss/Approve/Reject proposal from Jed Lant on changing Cherrywood Place to Helen Snyder Drive or Place**

Mr. Lant presented a proposal to rename Cherrywood Place in honor of former council member Helen Snyder. The council discussed this with Mr. Lant and asked questions. Ms. Snyder was his aunt and the proposal grew out of family and friend discussions. Mr. Gutierrez commented that there were many Superior residents worthy of having a street named after them. Mr. Lant agreed with this. Mr. Lant advised that he was working with the county on the procedure involved. Town Attorney

Christopher Wencker advised that it was not strictly necessary to use the county procedures and that the authority rested with the town council to rename the street.

**MOTION:**Council Member Peralta moved to approve the proposal from Jed Lant on changing Cherrywood Place to Helen Snyder Drive or Place. Council Member Tomerlin seconded. **VOTE:** The motion carried unanimously.

2. Discuss/Approve/Reject Draft Contract with Resolution Copper reference sewer tap on North Magma Avenue and fee structure.

Mr. Digirolamo said this had been brought back. At the last council meeting there were some suggestions that it be tweaked and the new draft contract has been brought asking for approval. He specified changes that had been made. He said the waiver of jury trial was a pretty much standard policy with Resolution and they wanted the jury trial waived again. Mr. Aguilar asked if the attorney was okay with that. Attorney Wencker said it was not for him to decide. His indication was that was a deal breaker. Mr. Digirolamo went over other proposed wording in the new draft contract.

**MOTION:**Council Member Peralta moved to approve the agreement with the changes noted and the trial by jury. Council Member Aguilar seconded.

Attorney Wencker said if they are going to make a change to the contract presented, they should not approve it but reject it.

Ms. Peralta withdrew her motion. Mr. Aguilar indicated that was fine with him.

**MOTION:** Council Member Peralta moved to reject the draft contract presented and for staff to go back and negotiate. Council Member Aguilar seconded.

**VOTE:** The motion carried with Vice Mayor Lopez, Council Member Tameron and Council Member Gutierrez recusing themselves.

3. Discuss/Approve/Reject request for hosting 1<sup>st</sup> Annual Superior Trail Days and financial commitment of approximately \$2500 of town funds.

Mila Lira presented a proposal to the council. The Trail Committee would like to host its first-ever Trail Days in Superior. This would be in conjunction with the Arizona Trails Association. She put together a preliminary budget. All attempts would also be made to get funding and sponsorships. The event would be in February. The Arizona Trail Association and Copper Corridor have given feedback and are willing to be their advertising partners. A few vendors have said they would like to participate.

**MOTION:** Council Member Tomerlin moved to approve 1<sup>st</sup> Annual Superior Trail Days and financial commitment of approximately \$2500 of town funds. Council Member Gutierrez seconded. **VOTE:** The motion carried unanimously.

4. Discussion in reference to Workers' Compensation, Correspondence from Town Attorney and Guidelines from Southwest Risk Services

Mayor Hing said Vice Mayor Lopez had requested an outline on this. Attorney Wencker said he had prepared a memorandum on the town's workers' compensation policy. If there were any questions, he would be happy to answer. Deputy Town Manager Digirolamo said Southwest Risk handles the town's workers' compensation and teaches classes on workers' compensation. If the council chooses,

the first time they could be here is for the November 17 meeting. That is why they forwarded the written communication that is in council's packet.

Attorney Wencker said workers' comp is a no fault insurance system that all employers buy into so that if somebody gets hurt on the job, they get better without liability or fault attributed to the employer.

Vice Mayor Lopez asked if the risk pool they are in is offered to cities and towns. Attorney Wencker said that's right. Vice Mayor Lopez asked if they were considered self-insured. Attorney Wencker said no. Self-insured is where they would save money in an account so that if somebody does have some compensable injury they pay for it out of that.

Council Member Aguilar asked a question about the Industrial Commission and Attorney Wencker explained about the Commission.

In response to questioning by Vice Mayor Lopez, Attorney Wencker and Deputy Town Manager Digirolamo explained the personnel policy of the town in regard to accrual of leave time.

Council Member Gutierrez asked what they were trying to accomplish. Vice Mayor Lopez said she is trying to figure out exactly what the accrual would be if somebody is on leave.

Council Member Gutierrez asked if they'd had any issues with workers' comp in the past, any history where they have not done their due diligence with workers' comp? Deputy Town Manager said not that he was aware of.

Attorney Wencker said he had also included in his memorandum the Industrial Commission's website. It had a lot of information on it.

#### **H. CALL TO THE PUBLIC**

Bill Holmquist made suggestions and comments about downtown, including an update every two weeks on the council agenda and council doing a walkthrough. He had a meeting with a journalist from ASU. She wanted to see the buildings. They had found 12 children playing in a building. There was also an open septic tank behind the VFW.

Sonnie Samson said the car show was fantastic. Also if you want to keep money in town, open the doors to Main Street. He congratulated the Chief and police force for the bust they made. He commended David Peck for taking his life in his hands to sit in some of the buildings.

#### **I. EXECUTIVE SESSION:**

The Town Council may or may not vote to go into Executive Session pursuant to ARS38-431.03 (A-1) (A-3) & (A-7)

A-1 –PERSONNEL; A-3 LEGAL ADVICE WITH ATTORNEY; A-7 – LEGAL ADVICE ON SALE, LEASE OR PURCHASE OF REAL PROPERTY

There was no executive session.

#### **J. COUNCIL COMMENTS**

Council Member Peralta: No comment.

Council Member Aguilar: Following Mr. Tameron's comment on the highway issues, he said a letter from the council was needed to ADOT to clean the highway.

Council Member Gutierrez: Commented on Mr. Holmquist's down town update. It was part of economic development. If something is warranted maybe they could put it on the agenda.

Council Member Tomerlin: No comment.

Council Member Tameron: Commented it is not only Main Street. They have a lot of businesses on the highway and need a lot of work done cleaning up the highway. He also commended the fire department on their work performed at the mine accident.

Vice Mayor Lopez: Commented that Superior would play tomorrow and to go out and support the team.

Mayor Hing: Commented on what Mr. Tameron had said about the fire department and the professionalism. The town had a good working relationship with the mine. It is part of the agreement that they are funding \$100,000 to the town for police and fire services. The safety crew up there and the town fire department performed well as he had heard it could have come very close to a death situation. He commended the town fire department. Also he had spoken to Pete Guzman about recreation but more so on the work program. He said Mr. Guzman was very interested and had said they had done this kind of program years ago and he is excited to try to pull this work corps together and also, as Ms. Arriola had been at that meeting, to try and see what the school has to offer the kids and not duplicate what the school is trying to do. Mayor Hing thinks the program will go forward. He is going to go after seed money from Resolution at the beginning of the year. Re the downtown, he appreciates the little change of trees done by the Modern Woodmen from Globe. Cactus was removed from the planters and the plan is to relocate these in the U.S. 60 Park and to clean up and there is a plan by the Historical Society to move ahead with their history trail by the spring of 2012. The LOST trail is the entry point to the U.S. 60 Park and it is a strategically important location. There is anticipation of a locomotive from the mine in the workings. He also invited people to the debate on the 24<sup>th</sup> and noted Halloween is coming and asked everyone to be careful as small ones are out there.

#### K. ADJOURNMENT

**MOTION:** Vice Mayor Lopez moved to adjourn. Council Member Tomerlin seconded. **VOTE:** The vote to adjourn was unanimous. Mayor Hing adjourned the meeting at 9 p.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the Town Council of the Town of Superior held on the 20th day of October 2011. I further certify that the meeting was duly called and held and that a quorum was present.

/s/

Lou Digirolamo \_\_\_\_\_

Deputy Town Clerk/Police Chief

These Minutes were compiled and transcribed by  
Cindy Tracy  
An Independent Contractor.

(Final editing of these minutes and their content is completed and verified by staff members of the Town of Superior.)